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Pages: Cover+ 6 = 7

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Please find attached Re: 10/040,770

➤ Reply Brief (6 pages)

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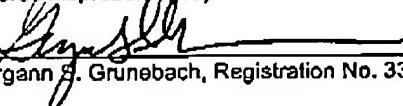
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PATENT
PD-201133IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application No.: 10/040,770

Filing Date: December 28, 2001

Appellant: Lester J. Chong et al.

Group Art Unit: 2143

Examiner: George C. Neurauter

Title: SYSTEM AND METHOD FOR CONTENT FILTERING

REPLY BRIEF

Mail Stop Appeal Brief - Patents
 Commissioner for Patents
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Sir:

In response to the Examiner's Answer dated March 22, 2007, please enter the following remarks.

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REMARKS

The Examiner's response to the Appellants' arguments begins page 15 of the Examiner's Answer. Appellants respectfully submit that the Examiner does not appear to fully appreciate the present claims. A substantial difference between the present claims and the argument set forth by the Examiner relates to the very first clause of claim 1 and carry through the various elements of claim 1. Claim 1 recites, "receiving a request for content from a client computer." [emphasis added] The request for content results in a number of other steps including transmitting the request with the new port number to a content filtering server that is configured to listen for requests on the new port number. Generally, the Freund reference is directed to end point security. Appellants respectfully submit that the Examiner has twisted the wording of the Freund reference to unsuccessfully meet the recitations of the claims. Appellants respectfully submit it is the contrast between a security-type system of Freund and the present content filtering claims that are an important distinction carried throughout the claims.

On page 15, the Examiner states that, "It is noted that the Appellants readily admit on page 7 of the Appeal Brief that a request for connection to the Internet from a local computer is received by a router. (The Examiner has equated the router to the claimed "content filtering gateway" as described in the claims.)" The Appellants object to the Examiner's equating of the router to the content filtering gateway. As mentioned above, the present application is directed to receiving a request for content from a client computer. The request for connection described in the Freund reference is for forming a connection and associating the connection with all the securities of the system. The request for content described in claim 1 is directed to generating a request for content from a computer. Further distinctions in other elements of the claims will be set forth below.

On pages 16 through 17 of the Examiner's Answer, the Examiner cites paragraph 0071 of the Freund reference. Although the Examiner cites this paragraph to support his position, Appellants respectfully submit that paragraph 0071 of the Freund reference actually supports the Appellants' views. More specifically, the second sentence of paragraph 0071 recites, "This router-side security component, running on the router or other piece of local client premises equipment, checks to ensure that appropriate end point security software is in place on all of the computers on the LAN." [emphasis added] The Examiner then highlights the sentence, "If a computer is not in compliance, then the computer's access to the Internet is restricted to

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those activities necessary to get the computer back into compliance." When reading these two sentences and the whole paragraph, it is clear that the security issues and not a request for content is the primary focus of the Freund reference. Appellants respectfully submit that a request for content is, therefore, not provided. Furthermore, the request for content and the specific manipulations set forth in the claims with respect to the request are not taught or suggested in the Freund reference.

At the top of page 17, the Examiner then highlights the last sentence of paragraph 0071 which states that the security solution limits and denies any other access to the Internet by the non-compliant computer. As noted above, it is the end point security software and the security of the system that restricts the access. This is not a request for content as set forth by the Examiner. Therefore, it is the Appellants' view that no request for content is set forth.

In the middle of page 17, the Examiner again addresses the issue of the request for content. The Examiner then cites paragraph 0065 for this proposition. In particular, the Examiner highlights the second full paragraph of paragraph 0065 for citing a server that communicates with one or more clients running web browsers. However, Appellants respectfully submit that there is no request for content and the manipulation of the request for content as is set forth in claim 1.

In the last paragraph of page 18, the Examiner states that, "Appellant also argues that Freund fails to teach or suggest wherein a portion is assigned to an application program running on the client computer." However, the Appellants respectfully submit that this element must be taken as a whole and not piecemeal broken down as is performed by the Examiner. Claim 1 specifically recites, "receiving a request for content from a client computer, where said request includes a number assigned to an application program running on the client computer." At the end of page 19, the Examiner cites paragraph 0148 of the Freund reference which refers to port 80 TCP. However, Appellants respectfully submit that, not only must a request for content from a client computer be generated, but that the requests include a port number assigned to an *application program* running on the client computer. This portion of paragraph 0148 and paragraph 0027 recited also on page 19 of the Examiner's Answer, does not appear to convey this aspect. It does not appear that the request includes a port number assigned to an application program running in the client computer.

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On page 20 of the Examiner's Answer, the Examiner addresses the second clause of claim 1 which states, "determining that the port number is a predetermined port number associated with the request for content." As mentioned above, the Appellants respectfully submit that there is no request for content and no request for content includes a port number assigned to an application program. The second clause of claim 1 then recites determining that the port number is a predetermined port number associated with the request for content. The Examiner again cites paragraph 0148 and the mentioning of a port number. Again, there is no request for content and, therefore, a predetermined port associated with a request for content is also not set forth.

On page 21 of the Examiner's Answer, the third element of claim 1 is addressed. The third element of claim 1 recites "renumbering the request with a new port number." It should be noted that this request is a request for content from a client computer. Appellants respectfully submit that there is no request for content as described above. The Examiner also addresses the remaining two steps. In the second-to-the-last paragraph of page 21, the Examiner states, "the Examiner notes that the Appellant admits that the sandbox server of Freund, equated with the claimed "content filtering server," listens for a particular port." It should be noted that the equating of the sandbox server and the content filtering server have been equated by the Examiner. Appellants do not agree with this equating.

On page 22, the Examiner highlights many portions of paragraph 0149. These highlighted portions further bolster the argument of the Appellants that security of the system is being addressed in the Freund reference and not a request for content. Again, the Examiner fails to appreciate the last two steps of claim 1. Namely, transmitting the request with the new port number to a content filtering server that is configured to listen for requests on the new port number and obtaining from the content filtering server an indication of whether the content is restricted based on the request and the new port number. Each of these claims includes the element of the requests for content. The last element, in particular, recites "whether said content is restricted based on the request and the new port number." The corresponding request for content and the content set forth in the last element are not taught in claim 1. The Board should be mindful that the Examiner has maintained the Section 102(e) rejection. Appellants respectfully submit that each and every element of claim 1 is not taught or suggested in the Freund reference.

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On page 26 of the Examiner's Answer, the Examiner addresses claim 2. The Examiner points to paragraphs 0144 and 0145 in addition to paragraph 0149. The Examiner states that these paragraphs illustrate, "determining a user of said client computer's filtering privilege and changing the request with the new port number based on the filter privilege." Appellants have reviewed these paragraphs and can find no teaching for a client computer's filtering privilege. Appellants respectfully believe that this is because the Freund reference is mainly dealing with security and not requesting content in content filtering. Appellants, therefore, respectfully request the Board to reverse the Examiner's position with respect to claim 2 as well.

On page 26 of the Examiner's Answer, the Examiner also addresses claim 3 which recites "wherein said obtaining further comprises receiving said requested content, thereby indicating that the content is not restricted." This claim is dependent on claim 1. Paragraph 0117 for this recitation. Appellants admit that paragraph 0117 includes a table with different ports and a description of the ports. However, when reviewing the description of each of the ports, it is clear that the security and status of the computer system is taught in the Freund reference and not restricting access to content. For example, the table of paragraph 0117 gives indications whether the anti-virus is updated or not installed or different versions are in place. There is no indication of restricting content.

In the paragraphs bridging pages 26 and 27, the Examiner points to paragraph 0071 of the Freund reference for teaching content filtering. Appellants have reviewed this session and believe that this paragraph clearly illustrates the difference between a security-based system as is set forth in Freund and the content restriction based system set forth in the present claims.

With respect to the first full paragraph on page 27, the Examiner states that an authentication procedure is disclosed in the Freund reference. This paragraph appears to refer to claim 7 which depends ultimately from claim 5. However, claim 7 recites an additional seven steps to the additional step of claim 5 which is added to the steps of claim 1. Each of the steps in claim 7 refers back to the request for content. As mentioned above, Appellants respectfully submit that a request for content is not set forth. These additional steps, in combination with claims 5 and 1, are not taught or suggested in the Freund reference.

In paragraph 8, on page 27, the Examiner states that the SonicWall reference fails to teach content filtering. The Examiner clarifies that the Freund reference was set forth for disclosing content filtering. The Examiner then states that the SonicWall reference was provided

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for a bypass filter. However, Appellants respectfully submit that a bypass filter is not the same as a content filter. Appellants admitted in the brief that a bypass filter is set forth on page 100. As set forth on page 100, the bypass filter is described as "unrestricted access to the Internet from the land, bypassing web, news, java and ActiveX blocking." Thus, it appears that the bypass filter actually bypasses the filtering and does not provide any type of content filtering. Therefore, Appellants respectfully request the Board to reverse the Examiner's position with respect to claims 7-10 and 16.

In summary, it appears that each and every element of each of the claims is not set forth in the Freund reference. Furthermore, there is not teaching or suggestion for making the combination of the Freund reference and the SonicWall reference in claims 7-10 and 16.

Appellants, therefore, respectfully request the Board to reverse the Examiner's position with respect to each and every claim and pass the case to issue forthwith.

Please charge any fees required in the filing of this appeal to Deposit Account 50-0383.

Respectfully submitted,

By: 
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Dated: May 3, 2007

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